

# SB3776



## 101ST GENERAL ASSEMBLY

### State of Illinois

2019 and 2020

SB3776

Introduced 2/14/2020, by Sen. Bill Cunningham

#### SYNOPSIS AS INTRODUCED:

740 ILCS 14/20

Amends the Biometric Information Privacy Act. Provides that a prevailing party may only recover liquidated damages of \$1,000 or actual damages, whichever is greater, for negligent violation of the Act against a private entity offending party that is not a current or former employer of the prevailing party. Provides that a prevailing party may only recover actual damages against a private entity offending party that is the current or former employer of the prevailing party and that negligently violates the Act.

LRB101 18433 LNS 67881 b

A BILL FOR

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Biometric Information Privacy Act is amended  
5 by changing Section 20 as follows:

6 (740 ILCS 14/20)

7 Sec. 20. Right of action. Any person aggrieved by a  
8 violation of this Act shall have a right of action in a State  
9 circuit court or as a supplemental claim in federal district  
10 court against an offending party. A prevailing party may  
11 recover for each violation:

12 (1) against a private entity offending party that is  
13 not a current or former employer of the prevailing party  
14 and that negligently violates a provision of this Act,  
15 liquidated damages of \$1,000 or actual damages, whichever  
16 is greater;

17 (1.5) against a private entity offending party that is  
18 the current or former employer of the prevailing party and  
19 that negligently violates a provision of this Act, actual  
20 damages;

21 (2) against a private entity that intentionally or  
22 recklessly violates a provision of this Act, liquidated  
23 damages of \$5,000 or actual damages, whichever is greater;

1           (3) reasonable attorneys' fees and costs, including  
2           expert witness fees and other litigation expenses; and

3           (4) other relief, including an injunction, as the State  
4           or federal court may deem appropriate.

5           (Source: P.A. 95-994, eff. 10-3-08.)